

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jane Zelenak,
former RN of DOC STW,

Civil No. 15-cv-3315 (PJS/TNL)

Plaintiff,

ORDER

v.

Nanette Larson,
Director of Health Service DOC STW,

Defendant.

Jane Zelenak, 12903 45th Avenue North, Plymouth, MN 55442 (pro se Plaintiff);

Ian M. Welsh, Minnesota Attorney General's Office, 455 Minnesota Street, Suite 1800, St. Paul, MN, 55101 (for Defendant).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated October 6, 2016 (ECF No. 37), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Plaintiff's "Motion to/for Default Judgment" (ECF No. 8) is **DENIED**.
2. Defendant's Motion to Dismiss (ECF No. 19) is **GRANTED IN PART AND DENIED WITHOUT PREJUDICE IN PART**.
3. To the extent Plaintiff is asserting Title VII claims against Defendant in her *individual* capacity, such claims are dismissed with prejudice.
4. Plaintiff shall have 30 days from the date of this Order to file an amended complaint.
5. Plaintiff shall have 45 days from the date of this Order to serve the amended complaint on Defendant.
6. Certain of Plaintiff's filings shall remain sealed and others shall be unsealed or redacted as set forth in the Report and Recommendation.

Date: November 4, 2016

s/Patrick J. Schiltz

The Honorable Patrick J. Schiltz
United States District Court Judge
for the District of Minnesota